

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

PLATINUM-BEECHWOOD LITIGATION

Civil Action No. 18-cv-6658 (JSR)

MARTIN TROTT and CHRISTOPHER SMITH, as
Joint Official Liquidators and Foreign Representatives
of PLATINUM PARTNERS VALUE ARBITRAGE
FUND L.P. (in Official Liquidation) and PLATINUM
PARTNERS VALUE ARBITRAGE FUND L.P. (in
Official Liquidation),

Civil Action No. 18-cv-10936 (JSR)

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

**ORDER AMENDING PROTECTIVE ORDER (ECF NOS. 206 and 284) AND
STIPULATION AND ORDER OF PROTECTION PURSUANT TO FRE 502(d) (ECF
NOS. 310 and 342)**

Upon the application of Martin Trott and Christopher Smith, as Joint Official Liquidators of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (collectively, the “**JOLs**”) the Court hereby **ORDERS** that this Court's “Protective Order” dated March 26, 2019 and entered on March 28, 2019 (ECF Nos. 206, 284 and 79 (collectively, the “**Protective Order**”) in Case No. 1:18-cv-6658-JSR, and its consolidated cases 1:18-cv-10936-JSR and 1:18-cv-12018-JSR, respectively (collectively, the “**Platinum-Beechwood Litigation**”), as thereafter modified by this Court's Order dated and entered on April 23, 2021 (ECF Nos. 951, 691 and 561 in Case No. 1:18-cv-6658-JSR and its consolidated cases 1:18-cv-10936-JSR and 1:18-cv-12018-JSR, respectively) and this

Court's Order dated and entered on March 7, 2022 (ECF Nos. 953, 693 and 562 in Case No. 1:18-cv-6658-JSR and its consolidated cases 1:18-cv-10936-JSR and 1:18-cv-12018-JSR, respectively), and the Court's Stipulation and Order of Protection Pursuant to FRE 502(d) (ECF Nos. 310, 342 and 140 in Case No. 1:18-cv-6658-JSR, and its consolidated cases 1:18-cv-10936-JSR and 1:18-cv-12018-JSR, respectively) (the "**502(d) Stipulation**"), are clarified and amended as follows:

1. The term "**Actions**" in the first sentence of the Protective Order and the first sentence of the 502(d) Stipulation shall be modified to add the action pending before the Court of Chancery of the State of Delaware ("**Court of Chancery**"), entitled *Principal Growth Strategies, LLC v. AGH Parent, LLC*, C.A. No. 2019-0431-JTL, together with any appeals thereon (the "**Delaware Litigation**").

2. The phrase "the Court" in paragraphs 2(g), 5(g), 7-9, 14 and 18 of the Protective Order and paragraphs 6 and 9 of the 502(d) Stipulation is hereby amended to include this Court and the Court of Chancery.

3. The re-production by the JOLs or any party to the Platinum-Beechwood Litigation in the Delaware Litigation of any Discovery Material previously produced or disclosed in the Platinum-Beechwood Litigation shall not vitiate the protections applicable to such Discovery Material under the 502(d) Stipulation or the Protective Order.

4. To the extent that any present or future party to the Delaware Litigation has not previously done so either directly or through counsel (including, without limitation, by executing the Protective Order or the 502(d) Stipulation), that party (either directly or through counsel) shall agree to comply with the Protective Order and the 502(d) Stipulation before receiving in the Delaware Litigation any Discovery Material from the Platinum-Beechwood Litigation that was

previously (a) produced or disclosed in the Platinum-Beechwood Litigation by a non-party to the Delaware Litigation, or (b) designated as “Confidential” pursuant to the Protective Order.

5. Where any Discovery Material was previously designated in the Platinum-Beechwood Litigation as “Confidential” under the Protective Order, any present or former party to the Platinum-Beechwood Litigation that did not produce that Confidential Discovery Material in the Platinum-Beechwood Litigation intending to re-produce that material in the Delaware Litigation (the “Re-producing Party”) to any party to the Delaware Litigation who was not a party to the Platinum-Beechwood Litigation shall notify the party that originally produced the Confidential Discovery Material of the documents that the Re-producing Party intends to produce at least five (5) business days prior to production.

6. Once the parties to the Delaware Litigation produce documents in the Delaware Litigation, including any documents that were previously produced in the Platinum-Beechwood Litigation, all disputes between parties to the Delaware Litigation concerning the confidentiality or privilege of those materials shall be governed by the “Stipulation and Order Governing the Production and Exchange of Confidential Information” entered in the Delaware Litigation, a copy of which is attached hereto as **Exhibit A**, and shall be resolved by the Court of Chancery.

DATE: 6/28/, 2024



Jed S. Rakoff, U.S.D.J.